PETITION FOR ZONING VARIANCE S/S Loreley Beach Road, 2295 E of the c/l of Stevens Road [5837 Loreley Beach Road] 11th Election District

DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 89-353-A

Henry Walter Lasek, Jr. Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit three recreational vehicles stored along the side property line in lieu of the maximum one recreational vehicle stored in the side yare a minimum of eight feet to the rear of the lateral projection of the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was the adjoining property owner, Richard Murray. There were no Protestants.

Testimony indicated that the subject property, known as 5837 Loreley Beach Road, consists of .396 acres more or less zoned R.C. 2, and is located within the Chesapeake Bay Critical Areas on Bird River. The subject property is improved with a two story single family dwelling which Shas been Petitioner's residence for the past five years. Presently, the Petitioner and his sons own three boats less than 20 feet in lenth strictly for recreational use. Mr. Lasek testified that as a result of a zoning violation filed regarding another property in the area, he was advised that he was in violation of the zoning regulations regarding the storage of more than one recreational vehicle on the property. Mr. Lasek testified that he has spoken with the ajdoining property owners who have indicated they have no objection to the three boats being stored in the side yard and submitted letters of support from the two adjacent property owners and a letter from another resident of the area.

Petitioner emphasized that the request is limited for use by his family members and that he does not now nor does he intend to use the property to store boats as a favor or for hire. Petitioner further contends the majority of the time the boats will be stored in the water.

An area variance may be granted where strict application of the zoning regulations would cause prectical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presente in the opinion of the Zoning Commissioner, the relief requested sufficientcomplies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Cr _apeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitate and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 100 day of March, 1989 that the Petition for Zoning Variance to permit three recreational vehicles stored along the side property line in lieu of the maximum one recreational vehicle stored in the side yard a minimum of eight feet to the rear of the lateral projection of the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The variance granted herein is limited to the Petitioner. Any future property owner desiring to store more than one recreational vehicle on the subject property must file a new Petition for Zoning Variance for a determination as to whether or not such approval should continue.

> 2) The storage of recreational vehicles shall be limited to three (3) boats and only so long as the three boats are owned either by Petitioner, his wife, or his children.

3) At all times upon request by a representative of the Zoning Enforcement Staff, Petitioner shall provide proof of ownership of the recreational vehicles stored on the property to insure compliance with this Order.

4) The three recreational vehicles stored on the subject property must be boats, of which two may not exceed 20 feet in length and the third may not exceed 24 feet in length; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 10, 1989, attached hereto and made a part hereof.

> (Nesterowicz Deputy Zoning Commissioner for Baltimore County

CRITICAL AREA PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a stored along the side property line in lieu of the maximum one the front foundation line of the dwelling, respectively. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) IMPRACTICAL TO HAVE THEM IN THE WATER AT ALL TIMES, IT WOULD BE IMPRACTICAL TO HAVE TO RENT A PLACE TO STORE THEM IN THE OFF SEASON. Property is to be posted and advertised as prescribed by Zoning Regulations. Contract Purchaser: HENRY WALTER LASEK (Type or Print Name) Attorney for Petitioner:

BEGINNING AT A POINT ON THE SOUTHSIDE OF LORELEY BCH. RD (30'IVIDE) AT A DISTANCE OF 2280'+/. EAST OF STEVENS RD AND BEING LOT NOS. 12 AND 131 AS SHOWN ON PLAT NO I OF LORELEY BEACH WHICH IS RECORED IN THE LAND RECORDS OF BALTIMORE COUNTY IN PLATBOOK NO. CWB 10, FOLIO 8 AS 5837 LORELEY BENCH RD. IN TUE 11 TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE TO: Mr. J. Robert Haines r DATE: January

SUBJECT: Lasek Property

Zoning Commissioner FROM: Mr. Robert W. Sheesley

Zoning Variance - Item #257

The subject property is located at 5837 Loreley Beach Road in White Marsh. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

The applicant has requested a variance: "to permit three recreational vehicles to be stored along the side property line in lieu of the maximum one, and a minimum eight feet to the rear of the lateral projection of the front foundation line of the dwelling, respectively".

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from, pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat: and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 0>

This project is consistent with the Chesapeake Bay Critical Area Criteria and, therefore, is approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

and Resource Management

RWS:KLC:tig

cc: The Honorable Ronald B. Hickernell

Variance from Section 415A.1 To permit three recreational vehicles and minimum eight feet to the rear of the lateral projection of WE OWN THREE BOATS, THIS BEING WATERFRONT PROPERTY IT WOULD BE APPROPRIATE TO HAVE THEM IN THE WATER. IT IS I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of 117# Baltimore County adopted pursuant to the Zoning Law For Baltimore County, I/We do solemnly declare and a firm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. 5937 LORELEY BCH. RD. 335-7329 (Type or Print Name) WHITE MARSH, MD. 21162
City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDERED By The Zoning Commissioner of Baltimore County, this of _______, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353

March 15, 1989

Mr. Henry Walter Lasek, Jr. 5837 Loreley Beach Road White Marsh, Maryland 21162

Case No. 89-353-A

RE: PETITION FOR ZONING VARIANCE S/S Loreley Beach Road, 2295' E of the c/l of Stevens Road (5837 Loreley Beach Road) 11th Election District - 5th Councilmanic District Henry Walter Lasek, Jr. - Petitioner

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

A M Niskowi ago ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

cc: Chesapeake Bay Critical Areas Commission Tawes State Office Bldg. - D-4 Annapolis, Maryland 21404

People's Counsel

JUDGE SOLOMON LISS

James E. Gutmen Anne Arundel Co.

G. Steele Phillips

Wallace D. Milier

Robert R. Price, Jr.

J. Frank Raley. Jr.

Ronald D. Adkins Somerset Co.

Shepard Krech, Jr. Talbot Co.

William J. Bostian Wicomico Co.

Samuel E. Turner, S

Ronald Karasic Baltimore City



STATE OF MARYLAND CHESAPEAKE BAY CRITICAL AREAS COMMISSION DEPARTMENT OF NATURAL RESOURCES
TAWES STATE OFFICE BUILDING, D-4
ANNAPOLIS, MARYLAND 21401 974-2418 or 974-2428

February 9, 1989



Mr. J. Robert Ha ^es Baltimore County
County Office Building

401 Bosley Avenue Towson, MD 21204

Re: #89-353-A, Variance Henry Walter Lasek, Jr.

This is to acknowledge receipt of the above-referenced

project application. We have reviewed this project and have no comments.

> Sincerely. Thin Servynd Ren Serey, Chief Project Evaluation Division

RS:msl

CABINET MEMBERS Wayne A. Cawley, Jr. J. Randall Evans Martin Walsh, Jr.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Date: 2/28/89

Dennis F. Rasmusser
County Executive

White Marsh, Maryland 21162 Petition for Zoning Variance Case Number: 89-353-A

Hearing Date: 3/7/89 at 2:00 p.m.

J. Robert Haines
Zoning C. medicalener

5837 Loreley Beach Road

Please be advised that 102.51 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Hounes J. ROBERT HAINES Baltimore County

Zoning Commissioner of

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

NOTICE OF HEARING

TTY for Deaf-Annapolis-974-2609 D.C. Metro-588-0450



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-353-A 5/S Loreley Beach Road, 2295' E c/1 Stevens Road 5837 Loreley Beach Road 11th Election District - 5th Councilmanic Petitioner(s): Henry Walter Lasek, Jr. HEARING SCHEDULED: TUESDAY, MARCH 7, 1989 at 2:00 p.p.

Variance to permit three recreational vehicles stored along the side property line in lieu of the maximum one and minimum eight feet to the rear of the lateral projection of the front foundation line of the dwelling, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

Chesapeake Bay Critical Area Commission

ZONING OFFICE

89-353-1 CERTIFICATE OF POSTING Honry Welter Losek, In Location of property 5/5 Loreley Booch Pd. 2795' F/5/2000 Rd Location of Signer Facing Lorsley Beach Rd approx 15' Fr. You durcy on proporty of Blilions Posted by Maffeeles Date of return: 2/17/89 CERTIFICATE OF PUBLICATION HOTICE OF HEARING TOWSON, MD., Jehnang 20, 1989.
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed THE JEFFERSONIAN,

S: Zeke jollur

We the junder Rigned members of the Bowerman

The Avenue Inc.

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

THIS IS TO CERTIFY, that the annexed advertisement of

5th Councilmanic.

Petition for Zoning Variance, petitioner(s) Henry Walter Lasek, Jr. Case #89-353-A. S/S Loreley Beach Road. 2295' E C/1 Stevens Road

Hearing scheduled: Tuesday, March 7, 1989 at 2:00 pm. PO# 09689 Req# M25257

84 lines @ .55 = \$46.20.
was inserted in **The Avenue News** a weekly newspaper

successive week(s) before the 17 day of February 19.89;

that is to say, the same was inserted in the issues of <u>Feb. 16</u> 19 89.

5837 Loreley Beach Road. 11th Election District

February 17, 19 89

442 Eastern Blvd.

Balto., Md. 21221

Loreley Beach Community Association are in favor of Mr i Mrs Murray of 5835 Loreley Beack Road being granted an exception to Article 415-A of Baltimor & county Zoning Code, and allowing them to have 3 recreational vehicles stored or fheir property.

Nam E

Address Lovely Bent Comen Brook. 5839 Jorecy Burk Rol while muse, med 11218 Lovely Bound Pel White MINES 4 NID 21162

Secretory of Association 6011 Koreley Beach Rd. White March, Md 21162

My manu appears on Henry M. Jaseks

11 hite Marsh, Md 21162 (adjoining mugher)

NAME - Ruhal of Minny

ADDRESS - 5835 Lanely Beach

NAME - R Minnie L. Murray

335-5699

5835 Lorely Beach Rel

White March Md21162

Citation Case 89-353-X but I have never

complainted and in fact are in favor of

(3) recreational vehicles on his property

at 5837 Souley Beh Rd.

LORELEY BEACH RD. (30' R/W W/ 15' PAVING) STEVENS RD. LOTS 10 2 11 LOTS 14 \$ 15 EXISTME DWELLING 5835 STORED ALONG # 5837 2 STORY EZISTING. DWELLING DWELLING 5839 LOT SIZE: 17.250 4 .396 a€ CRITICAL AREA INTEROFFICE COUNTY, MARYLAND TO: Zoning Advisory Committee DATE: February 23, 1989 FROM: Robert W. Bowling, P.E. RE: Meeting of December 27, 1988 The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have o comments for Items 196, 236, 248, 249, 250, 251, 254, -256, 257 and 258.

PLAT FOR ZONING VARIANCE OWNER'S HENRY WALTER LASEK JR. 11 TH ELECTION DIST. EX. ZONING RC/2 LORELEY, BEACH, FLAT NO. I LOT NO. 12 & 13, PLATBOOK 10, FOULD B EXISTING UTILITY-WATER, SEPTIC. (WATER LINE IN LORELEY BEACH RO) Site 1s locatel within the Chesaperke Bay Critical Area. Pettraes Attached are our comments for Items 137 and the County Review Group comments for Item 242. ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554 January 17, 1989 Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for item numbers 137, 236, 248, 249, 250, 251, 254, 256, 257, and 258. BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204 Your petition has been received and accepted for filing ints 11th day of January 1989. James B. Dyer Petitioner Henry Walter Lasek, Jr Received by: Chairman, Zoning Plans Advisory Committee

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 2120 Burres of State Roads Commissio Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Coning Administration Industrial

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE February 27, 1989 Mr. Henry Walter Lasek, Jr. 5837 Loreley Beach Road White Marsh, MD 21162 RE: Item No. 257, Case No. 89-353-A Petitioner: Henry Walter Lasek, Jr. Petition for Zoning Variance Dear Mr. Lasek: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Very truly yours, James E. Dyer/jul Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke January 12, 1989 J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204 Re: Property Owner: Henry Walter Lasek, Jr. (Critical) Location: S/S Loreley Beach Rd., 2,295' E. c/1 of Stevens Road Zoning Agenda: Meeting of 12/27/88 Item No.: 257 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _ EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. () 6. Site plans are approved, as drawn. (x) 7. The Fire Prevention Bureau has no comments at this time. REVIEWER: Cult bell kelly 1-16-59

Playining Group

Special Inspection Division

NOTED & APPROVED:
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE TO: Mr. J. Robert Haines Zoning Commissioner JAN 11 1989 FROM: Mr. Robert W. Sheesley SUBJECT: Lasek Property Zoning Variance - Item #257 The subject property is located at 5837 Loreley Beach Road in White Marsh. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area. The applicant has requested a variance: "to permit three recreational vehicles to be stored along the side property line in lieu of the maximum one, and a minimum eight feet to the rear of the lateral project tion of the front foundation line of the dwelling, respectively".

Petitioner's

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the

Critical Area Law: "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 0>

This project is consistent with the Chesapeake Bay Critical Area Criteria and, therefore, is approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

16 best a Shusley Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

cc: The Honorable Fonald B. Hickernell

BATIMORE COUNTY, MAR SAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner Pat Keller, Deputy Director

Office of Planning and Zoning Henry Lasek
SUBJECT Zuning Petition No. 89-353-A

The Office of Planning and Zoning is not opposed to the above project; however, fencing or landscaping may be required.

ZONING OFFICE

Jam in Javor of Mr. Henry M. Josek residing at 5837 Jobeley Boh Jed to stope 3 recreational viceles (Boats) on said property year around instead of only one allowed by present zoning. 2 Doors Down Unimed neighor property owner ADDRESS 5841 Sorely Beach Ped. WHITE MARSH, MD 21162 Name Lang Lugne White 5841 Lovely Beach Road White March, Md 21162